APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006

7590   10/22/2003

Lisa N Benado
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025

EXAMINER
NGUYEN, NHON D

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)	
Office Action Summary	09/679,692		REID ET AL.	
	Examiner		Art Unit	
	Nhon (Gary) D Nguyen		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 July 2003</u> .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-32</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-32</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 07/24/2003.

2. Claims 1-32 are pending in this application. Claims 1, 9, 17, and 25 are independent

claims. In the Amendment A, claims 1, 9, 16, 17, 15, and 32 are amended. This action is made

final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Ashe et al

("Ashe", US 6,307,574).

As per independent claim 1, Ashe teaches a method for producing a graphical user

interface, the method comprising:

storing a graphic file having a multiple layer structure and at least one control object,

each control object in a separate layer (col. 3, lines 8-12 and col. 6, lines 10-17), and

launching an application program to access the graphic file and to display a control

element on the graphical user interface, the control element having at least one attribute dictated

by one of the control objects (col. 8, lines 7-33).

As per claim 2, which is dependent on claim 1, Ashe teaches the graphic file has a first control object in a layer dictating one attribute of the control element and a second control object in a separate layer dictating another attribute of the control element (col. 8, lines 22-33).

As per claim 3, which is dependent on claim 2, Ashe teaches the first control object and the second control object share a common name attribute (e.g. *Draw Scroll Background*, *Draw Scroll Thumb*, *Draw Scroll Arrow*; col. 8, lines 12-33).

As per claim 4, which is dependent on claim 2, Ashe teaches the layer of the first control object is grouped with the layer of the second control object as pointed out in col. 8, lines 12-33, e.g. objects under different layers such as *up, down, left* or *right* are grouped under *Arrow* control element.

As per claim 5, which is dependent on claim 1, it is inherent in Ashe's system that the graphic file is editable and the at least one control object may be added, deleted or altered.

As per claim 6, which is dependent on claim 1, Ashe teaches the control element is an edit control to manipulate a time-based stream of information (col. 4, lines 44-49).

As per claim 7, which is dependent on claim 1, Ashe teaches the attribute is an appearance (col. 7, lines 4-11 and col. 8, lines 22-33).

As per claim 8, which is dependent on claim 1, Ashe teaches the attribute is a state in a particular environment (col. 8, lines 22-33).

As per independent claims 9, 17, and 25, they are similar in scope to claim 1; therefore, they should be rejected under similar rationale.

As per claims 10, 18, and 26, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 2; therefore, they should be rejected under similar rationale.

As per claims 11, 19, and 27, which are dependent on claims 10, 18, and 26 respectively, they are similar in scope to claim 3; therefore, they should be rejected under similar rationale.

As per claims 12, 20, and 28, which are dependent on claims 10, 18, and 26 respectively, they are similar in scope to claim 4; therefore, they should be rejected under similar rationale.

As per claims 13, 21, and 29, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 5; therefore, they should be rejected under similar rationale.

As per claims 14, 22, and 30, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 6; therefore, they should be rejected under similar rationale.

As per claims 15, 23, and 31, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 7; therefore, they should be rejected under similar rationale.

As per claims 16, 24, and 32, which are dependent on claims 9, 17, and 25 respectively, they are similar in scope to claim 8; therefore, they should be rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed 07/24/2003 have been fully considered but they are not persuasive.

Applicants argued the following:

(a) Since Ashe uses a hierarchical program code to display a GUI, Ashe does not access a graphic file to display a control element.

(b) Ashe does not teach storing a graphic file which has a multiple layer structure, since the control objects in Ashe apparently are stored in a program code.

(c) Ashe does not teach a control object in a separate layer. As can be seen in fig. 4 and 5, each control object spans multiple layers of a hierarchy and there is no teaching of the use of a graphic file which has a multiple layer structure for control objects.

The Examiner disagrees for the following reasons:

(a) Ashe's hierarchical program code here is used to display a GUI; therefore, it is also a graphical file and is accessed by application program to display a control element (col. 8, lines 7-

33). For example, HTML is a graphical file that is accessed by a Browser (Netscape or IE) to display a GUI on screen.

(b) Since hierarchical program code is also a graphical file, Ashe does teach storing a graphic file which has a multiple layer structure in the hierarchical program code (col. 3, lines 8-12 and col. 6, lines 10-17).

(c) Ashe does teach a control object in a separate layer in col. 8, lines 7-33. As col. 8, lines 12-19, Control objects *Draw Scroll Bar Focus, Draw Scroll Bar Background, Draw Scroll Bar Thumb*, and *Draw Scroll Bar Arrow* of the *Scroll Bar* element do show that they are in separate layers.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nhon (Gary) D Nguyen whose telephone number is 703-305-

8318. The examiner can normally be reached on Monday - Friday from 8 AM to 5:30 PM with

every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L Kincaid can be reached on 703-308-0640. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

Nhon (Gary) Nguyen
October 7, 2003

KRISTINE KINCAID
SUPERVISOR PATENT EXAMINER
TECHNOLOGY CENTER 2100